

REMARKS

Claims 1-4, 6-30, and 32-37 are pending. Claims 6-26 are withdrawn. Claim 38 is new. Claims 1 and 27 are amended to more clearly recite Applicants' composition, supported at least at p. 9 Example 1, thus introducing no new matter.

CLAIM OBJECTIONS

Claim 1 is objected to for informalities. Applicants have amended claim 1 as required to overcome the objection.

CLAIM REJECTIONS UNDER 35 U.S.C. §103

Claims 1-4, 27-30, and 32-37 are rejected under 35 U.S.C. §103(a) as obvious over Miyata (U.S. Published Application No. 20020098244) in view of Cantor (U.S. Published Application No. 20030054025). Applicants respectfully disagree.

The Examiner states that Miyata teaches a gel made of hyaluronic acid and teaches using sodium hyaluronate of a molecular weight of 2,000,000. However, Miyata specifically teaches a gel where "[T]he three dimensional network structure is made of crosslinked hyaluronic acid" (¶31). To achieve this crosslinked structure, Miyata's gel requires preparation at or below pH 3.5 (¶60) and then requires subjecting the composition to at least one freeze/thaw cycle (¶61-¶64).

In contrast, Applicants hyaluronate composition is not a gel. It does not require preparation at or below pH 3.5. It does not require freeze/thaw cycles. Applicants composition is a solution. It is formed in sterile water without adding an acid to decrease the pH, and thus is at neutral pH (Examples 1-3). Applicants composition is not subjected to freeze/thaw to result in crosslinking of the hyaluronate.

Applicants' composition is not Miyata's "three dimensional structure network structure [is] made of crosslinked hyaluronic acid".

These differences result in compositions with very different physical characteristics. Miyata's composition, as described above, is a crosslinked, three-dimensional structure. Applicants' composition is a viscous solution. These differences provide different properties, e.g., Applicants' composition in the form of a sterile aqueous solution that can flow into cavities, whereas Miyata's gel cannot flow into cavities.

Applicants further assert that Canton does not cure the deficiencies of Miyata at least because Canton does not teach hyaluronic acid in an aqueous solution.

For at least these reasons, Applicants respectfully request withdrawal of the rejection of claims 1-4, 27-30, and 32-37.

CONCLUSION

The application is believed to be in complete condition for allowance. Payment has been simultaneously made by Electronic Funds Transfer. If other fees are deemed due, the Office is authorized to charge them to Deposit Account No. 20-0809.

The Examiner is invited to telephone Applicants' undersigned representative with questions.

Respectfully submitted,

THOMPSON HINE LLP

/Beverly A. Lyman/

Beverly A. Lyman, Ph.D.

Reg. No. 41,961

Intellectual Property Group
P.O. Box 8801
Dayton OH 45402
Direct Dial 513 352 6596
Facsimile 513 241 4771
729464